United Nations S/2002/44

Security Council

Distr.: General
9 January 2002
English
Original: French

Letter dated 9 January 2002 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

Following the press statement that you issued on 4 January 2002 after informal consultations among members of the Security Council on the question of Western Sahara, the Government of His Majesty the King has instructed me to transmit to you the following information and clarification:

The Kingdom of Morocco, in the face of an artificial regional conflict, has had an enduring commitment to international humanitarian law. It has consistently ensured strict compliance with the norms of international humanitarian law and has cooperated fully with the competent international bodies.

Thus, in close cooperation with the International Committee of the Red Cross (ICRC), Morocco has for many years lived up to its humanitarian commitments by releasing all civilians and military personnel detained in connection with the Sahara conflict.

The Kingdom of Morocco recalls, in this regard, that ICRC has formally declared that there are no longer any persons claiming to be members of the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) detained in Morocco.

Morocco deplores, however, that despite continuing appeals by the Secretary-General for the repatriation of Moroccan prisoners (some 1,480) who have been held for over two decades in camps in Algerian territory, POLISARIO has continued to use them for political and propaganda purposes by releasing them in dribs and drabs. The release of 115 detainees at the beginning of this year is consistent with that pattern.

This exploitation of detainees for political purposes in flagrant violation of humanitarian law runs counter to the provisions of Security Council resolution 1359 (2001) which calls for the release without further delay of all those held since the start of the conflict.

Morocco requests once again that all Moroccans detained in Algeria should be released and repatriated promptly.

Morocco wishes to stress that POLISARIO is waging a campaign of disinformation with respect to persons who have been reported missing. On this specific issue, Morocco has been cooperating fully with ICRC, which undertook an

02-20641 (E) 090102 090102

evaluation mission in Morocco from 2 to 6 November 2001 in order to resolve finally the cases of the 24 Moroccans of Sahrawi origin who have been reported missing.

The ICRC mission provided a formal denial of the allegations of POLISARIO. Indeed, the ICRC delegation was able to observe freely and after it had met the persons concerned, in the absence of any witnesses, established that they are leading normal and peaceful lives in Morocco (see ICRC News 01/45 of 15 November 2001).

Morocco objects to POLISARIO confusing the issue of members of the Moroccan armed forces that it is holding in camps in Algeria in violation of humanitarian law, with the issue of missing persons whose cases are being processed according to standard procedures under the supervision of ICRC.

The recent reports circulated on the plight of prisoners at Laayoune are also so much POLISARIO propaganda and an attempt at sowing confusion. The Kingdom of Morocco wishes to inform the Council that of the 97 persons concerned, 15 were detained and prosecuted in connection with social unrest involving widespread acts of vandalism committed in the town of Smara on 17 November 2001. As for the other detainees, they were arrested and tried for ordinary offences such as murder, rape, drug trafficking and assault.

It should be noted that Moroccan human rights organizations were able to visit all the detainees, who had gone on a hunger strike to protest against their conditions of detention. They finally ended their strike after the Moroccan Government had taken the necessary steps to improve their conditions of detention.

In bringing such information to the attention of the Security Council, the Kingdom of Morocco trusts that the Council will continue its efforts to secure the prompt and unconditional release of all the Moroccans detained in camps in Algeria and will continue to seek a final and lasting solution to the regional conflict within the framework provided for by resolution 1359 (2001).

I would be grateful if this letter could be circulated as an official document of the Security Council.

(*Signed*) Mohammed **Bennouna**
Ambassador
Permanent Representative